

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

In the Matter of)	
)	
Rules and Regulations Implementing the)	CG Docket No. 02-278
Telephone Consumer Protection Act of 1991)	
)	
Junk Fax Prevention Act of 2005)	CG Docket No. 05-338
)	
Petition of Akin Gump Strauss Hauer & Feld LLP)	
for Expedited Clarification or Declaratory Ruling)	

**Craig Moskowitz’s, Craig Cunningham’s, Bais Yaakov of Spring Valley’s, Roger H. Kaye’s, Roger H. Kaye, MD PC Comments on Akin Gump
Petition for Expedited Clarification or Declaratory Ruling**

Craig Moskowitz, Craig Cunningham, Bais Yaakov of Spring Valley, Roger H. Kaye and Roger H. Kaye, MD PC (collectively the “Commenters”) respectfully submit these comments on the Petition for Expedited Clarification or Declaratory Ruling filed by Akin Gump Strauss Hauer & Feld LLP (“Akin Gump”).¹ The Commenters adopt all of the comments submitted by Cin-Q Automobiles, Inc. (“Cin-Q”) in response to the Akin Gump Petition, and incorporate those comments herein by reference.

In addition, the Commenters point out that the but for cause test advocated by Cinq-Q is fully consistent with and supported by that portion of 47 C.F.R. § 64.1200(f)(10) that defines the term “sender” to include “the person or entity whose goods or services are advertised or promoted in the unsolicited advertisement.” This definition is less onerous than the other definition of “sender” contained in that regulation — “the person or entity on whose behalf a facsimile unsolicited advertisement is sent.” *Id.* If the Commission is reluctant to literally

¹ *Petition of Akin Gump Strauss Hauer & Feld for Expedited Clarification or Declaratory Ruling*, CG Docket No. 02-278, 05-338 (February 26, 2019) (“Pet.”).

interpret the first cited definition above to literally mean “the person or entity whose goods or services are advertised or promoted in the unsolicited advertisement,” the Commission should at the very least adopt Cin-Q’s “but for” cause test as the interpretation of that definition.

Conclusion

For the foregoing reasons, the Commission should deny the Akin Gump Petition for Expedited Clarification or Declaratory Ruling.

Dated: April 8, 2019

Respectfully submitted,

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